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R E P O R T

OF THE

C O M M I T T E E

To whom was referred, on the 26th ultimo,

THE CONSIDERATION

*Of the Expediency of Accepting
from the*

State of Connecticut,

A cession of jurisdiction of the territory
west of Pennsylvania, commonly
called the Western
Reserve

OF

C O N N E C T I C U T.

21st March, 1800.

Committed to a Committee of the whole House on
Next Monday week.

[Published by order of the House of Representatives]

3411

REPORT.

The Committee to whom was referred the consideration of the expediency of accepting from the State of Connecticut a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut, with directions to report by bill or otherwise,

REPORT—

THAT in the year 1606, on the 10th of April, James I. king of England, on the application of Sir Thomas Gates and others, for license to settle a colony in that part of America, called Virginia, not possessed by any Christian prince, or people, between the thirty-fourth and forty-fifth degrees of north latitude, granted them a charter. In order to facilitate the settlement of the country, and at the request of the adventurers, he divided it into two colonies. To the first colony, consisting of citizens of London, he granted, "That they might begin their first plantation, and habitation, at any place on the said coast of Virginia, or America, where they shall think fit and convenient; between the said four and thirty, and one forty degrees of the said latitude; and they shall have all lands, &c. from the said first seat of their plantation and habita-

Hazard's
State Papers,
vol. I. 50.
First charter
of Virginia.

Ibid. 51.

State Papers, 51. tion, by the space of fifty miles of English statute measure, all along the said coast of Virginia and America towards the West and South West, as the coast lyeth, with all the islands, within one hundred miles, directly over against the same sea-coast; and also all the lands, &c. from said place of their first plantation and habitation, for the space of fifty like English miles, all along the said coast of Virginia and America, towards the East and North-East, or towards the North, as the coast lyeth, with all the islands within one hundred miles directly over against the said sea-coast; and also all the lands, &c. from the same fifty miles every way on the sea-coast, directly into the main land, by the space of one hundred like English miles: And that no other subjects should be allowed to settle on the back of them, towards the main land, without written license from the council of the colony."

Hazard's State Papers, Vol. I. 52. To the second colony, consisting of Thomas Hanham and others, of the town of Plymouth, King James granted the tract between the thirty-eighth and forty-fifth degrees of North latitude, under the same description, as the aforesaid grant was made to the first colony. Ibid. 53. To these grants a condition was annexed, that a plantation should not be made within one hundred miles of a prior plantation.

Ibid. 57. By the same charter, the King agreed that he would give and grant, by letters patent, to such persons, their heirs and assigns, as the council of each colony, or the most part of them should nominate, or assign, all the lands, tenements and hereditaments which should be within the precincts limited for

each colony, to be holden of him, his heirs State Papers,
 and successors, as of the mannor of East- 57.
 Greenwich, in the county of Kent, in free
 and common socage only, and not in capite.
 And that such letters-patent should be suf-
 ficient assurance from the patentees, so dis-
 tributed and divided amongst the undertakers
 for the plantations of the several colonies,
 and such as should make their plantations
 in either of the said several colonies in such
 manner and form, and for such estates, as
 shall be ordered, and set down by the coun-
 cil of said colony, or the most part of them
 respectively, within which the same lands,
 tenements or hereditaments shall lie or be :
 Although express mention of the true yearly
 value or certainty of the premises, or any of
 them, or of any other gifts or grants, by
 the King or any of his progenitors or pre-
 decessors to the grantees was not made ; or
 any statute, &c. to the contrary notwith-
 standing.

On the 23d of May, 1609, King James, Hazard's
 on the application of the first colony for a State Papers,
 further enlargement and explanation of Vol. I. 58.
 the first grant, gave them a second charter, Second char-
 in which they were incorporated by the ter of Virgi-
 name of " The Treasurer and company of nia.
 adventurers and Planters of the city of Lon-
 don, for the first colony of Virginia."

" In this charter the King grants to them
 all the lands, &c. in that part of America Ibid. 64.
 called Virginia, from the point of land called
 Cape, or Point Comfort, all along the sea-
 coast to the northward, two hundred miles ;
 and from the said Point of Cape Comfort,
 all along the sea-coast, to the southward,
 two hundred miles ; and all that space and

circuit of land, lying from the sea-coast of the precinct aforesaid, up into the main land, throughout from sea to sea, West and North-West; and also all the islands within one hundred miles along the coast of both seas of the precinct aforesaid."

Ibid 72
Third charter of Virginia.

Hazard's
state papers
Vol. I. 74.

On the 12th of March, 1611, 12 on the representation that there were several islands without the foregoing grant, and contiguous to the coast of Virginia, and on the request of said first colony, for an enlargement of the former letters patent, as well for a more ample extent of their limits, and territories into the seas adjoining to, and upon the coast of Virginia as for the better government of said colony, King James granted to them another charter. After reciting the description of the second grant, he then proceeds to give, grant and confirm to the treasurer and company of adventurers and planters of the city of London for the first colony of Virginia, and their heirs, &c. "all and singular those islands whatsoever, situate, and being in any part of the ocean seas bordering on the coast of our said first colony in Virginia, and being within three hundred leagues of any of the parts heretofore granted to the said treasurer and company in said former letters-patent as aforesaid, and being within the one and fortieth, and thirtieth degrees of Northernly latitude, with all the lands &c. both within the said tract of land on the main, and also within the said islands and seas adjoining, &c. *Provided always*, That the said islands, or any premises herein mentioned or by these presents intended, or meant to be conveyed, be not actually possessed or inhabited by any other christian prince, or

state; nor be within the bounds, limits, or territories of the Northern colony, heretofore by us granted, to be planted by divers of our loving subjects in the north part of Virginia.

On the 15th day of July, 1624, James I. granted a commission for the government of Virginia, in which it is alledged that the charters to the Treasurer and company of adventurers and planters of the city of London, for the first colony of Virginia, had been avoided upon a quo warranto brought and a legal and judicial proceeding therein by due course of law. Ibid 183.
186.

On the 20th day of August, 1624, James granted another commission for the government of Virginia, in which it is alledged Hazard's
state papers,
vol 1. 189.
191.
“ Whereupon we entering into mature and deliberate consideration of the premises, did by the advice of our Lords of the Privy Council, resolve by altering the charters of the said company, as to the point of government, wherein the same might be found defective, to settle such a course as might best secure the safety of the people there, and cause the said plantation to flourish, and yet with the preservation of the interest of every planter and adventurer, so far forth as their present interests shall not prejudice the public plantations; but because the said Treasurer and company did not submit their charters to be reformed, our proceedings therein were stayed for a time, until upon quo warranto brought, and a legal and judicial proceeding therein, by due course of law, the said charters were, and now are, and stand avoided.”

On the 13th May, 1625, Charles I. by his proclamation, after alledging that the letters Ibid. 203.
204.

Ibid 203.
204. patent to the colony of Virginia, had been questioned in a legal course, and thereupon judicially repealed, and judged to be void; declares that the government of the Colony of Virginia, shall immediately depend on himself, and not be committed to any company or corporation.

Ibid. 234.
312. 400.
477. vol. II.
607. From this time Virginia was considered to be a royal government, and it appears that the kings of England from time to time, granted commissions for the government of the same.

The right of making grants of lands was vested in and solely exercised by the crown.

The Colonies of Maryland, North and South Carolina, Georgia, and part of Pennsylvania, were erected by the crown, within the chartered limits of the first colony of Virginia.

When the king of France had dominions in North America, the land in question was included in the province of Louisiana, but no part of it was actually settled by any of his subjects. After the conquest of the French possessions in North America by Great-Britain, this tract was ceded to the king of Great-Britain by the treaty of Paris in 1763.

Statutes at
large vol.
VIII. 405. In the year 1774, the Parliament of Great-Britain passed an act, declairing and enacting "that all the territories, islands, and countries, in North America, belonging to the crown of Great-Britain, bounded on the South by a line from the bay of Chaluers along the high lands which divide the rivers that empty themselves into the river St. Laurence, from those that fall into the sea, to a point in forty-five degrees of North Latitude on the Eastern bank of the river Connecticut,

keeping the same latitude directly West, through the lake Champlain, until in the same latitude it meets the river St. Laurence, from thence up the Eastern branch of said river, to the lake Ontario, thence through the lake Ontario and the river commonly called Niagara, and thence along by the Eastern and South Eastern bank of lake Erie, following the bank until the same shall be intersected by the Northern boundary granted by the charter of the province of Pennsylvania, in case the same, shall be so intersected; and from thence along the said Northern and Western boundaries of said province, until the said Western boundary strike the Ohio. But in case the said bank of the said lake, shall not be found to be so intersected, then following the said bank, until it shall arrive at the point of the said bank, which shall be nearest to the North Western angle of the said province of Pennsylvania, and thence by a right line to the said North Western angle of said province, and thence along the Western boundary of said province, until it shall strike the river Ohio, and along the bank of the said river, Westward to the banks of the Mississippi, and Northward to the Southern boundary of the territory granted to the Merchants, Adventurers of England, trading to Hudson's Bay, and also, all such territories, islands, and countries, which have since the 10th of February, 1763, been made part of the government of Newfoundland, be and they are hereby during his Majesty's pleasure annexed to, and made part and parcel of the province of Quebec, as created and established by the said royal proclamation of the 7th of October, 1763.

Statutes at
large vol.
VIII. 405.

Provided always, that nothing herein contained relative to the boundary of the province of Quebec, shall in any wise affect the boundaries of any other colony.

Provided always, and be it enacted, That nothing in this act contained, shall extend or be construed to extend to make void, or to vary, or alter any right, title, or possession derived under any grant, conveyance, or otherwise howsoever of, or to any lands within the said province, or provinces thereunto adjoining; but that the same shall be in force and have effect as if this act had never been made."

In the year 1620, on the 3d of November, Hazard's king James gave a charter to the second colony of Virginia: after reciting the grants
state Papers. vol. 1. 103

New Eng-
land charter.

Hazard's
State Papers,
Vol. I. 3.

made to the first colony of Virginia, and stating an application from the second colony for a further enlargement of privileges, he proceeded to declare "that the tract of land, in America, between the fortieth and forty-eighth degrees of North latitude, from sea to sea, should be called New England; and for the planting, and governing the same, he incorporated a council at Plymouth, in the county of Devon, and granted to them and their successors," all that part of America lying, and being in breadth, from forty degrees of Northerly latitude, from the equinoctial line, to forty-eight degrees of the said Northerly latitude inclusively, and in length of, and within all the said breadth aforesaid, throughout all the main lands from sea to sea, together with all the firm lands, &c. upon the main, and within the said islands and seas adjoining. *Provided*, the said islands, or any of the premises before mentioned, and in-

tended by said charter to be granted, be not actually possessed, or inhabited by any Christian prince or state, nor be within the bounds, limits or territories of the Southern colony, granted to be planted in the South part. King James by said charter commanded and authorized, said council at Plymouth or their successors, or the major part of them, to distribute, and assign such portions of land to Adventurers, &c. as they should think proper.

New Eng-
land charter.

Ibid. 112.

In the year 1628, 4th March, the council of Plymouth, pursuant to the authority vested in them by their charter, granted to Sir Henry Roswell; and others, a tract of land called Massachusetts; and King Charles I. on the 4th of March 1629, confirmed the sale, and granted them a charter. After reciting the description of the grant to the council of Plymouth, and their grant to Sir Henry Roswell, and others, he grants and confirms to them, “ all that part of New England in

Hazard's
state papers,
vol. I. 259.

Charter of
Massachu-
setts.

America, which lies and extends between a great river there, commonly called Monomack river, alias Merrimack river, and a certain other river there called Charles river, being in the bottom of a certain bay there, called Massachusetts, alias, Mattachusetts, alias, Massachusetts bay; and also all and singular those lands, and hereditaments what-

Hazard's
state papers,
vol. I. 241.

soever, lying within the space of three English miles, on the South part of the said river, called Charles river, or of any, or every part thereof, and also all and singular, the lands hereditaments whatsoever, lying and being within the space of three English miles to the Southward of the Southernmost parts of the said bay, called Massachusetts, alias, Mattachusetts, alias Massachusetts bay: and

Charter of
Massachu-
setts, 241.

Charter of also all those lands and hereditaments whatsoever, which lie, and be within the space of three English miles to the Northward of the said river, called Morromack, alias Merrimack; or to the Northward of any, and every part thereof: and all lands, and hereditaments whatsoever, lying within the limits aforesaid, North and South, in latitude and in breadth, and in length and longitude of, and within all the breadth aforesaid, throughout the main lands there, from the Atlantic, and Western sea and ocean on the East part to the South sea on the West part, with a proviso not to extend to lands possessed by a Christian prince, or within the limits of the Southern colony.”—

Hazard's State Papers, Vol. 1. 318. First charter to In the year 1631, on the 19th of March, the Earl of Warwick granted to Lord Say and Seal, and others, all that part of New England in America, which lies and extends itself from a river there, called Narraganset river, the space of forty leagues, upon a straight line near the sea shore, towards the Southwest, West and by South or West, as the coast lieth towards Virginia, accounting three English miles to the league, and also all and singular the lands, and hereditaments whatsoever, lying and being within the lands aforesaid, North and South, in latitude and in breadth, and in length and longitude of, and within all the breadth aforesaid, throughout the main lands there, from the Western ocean to the South sea, &c. and also, all the islands, lying in America aforesaid in the said seas, or either of them, on the Western or Eastern coasts, &c. The territory aforesaid, having been in the year preceding by the council of Plymouth granted to said Earl of Warwick.

Hutchinsons History of the colony of Massachusetts Bay, vol 1. page 64.

In 1635, the 7th of June, the council of Plymouth, after having made sundry other grants, surrendered their charter to the crown.

Hazard's

State Papers,

Vol. I. 393.

In the year 1635, Lord Say and Seal, and other associates, appointed John Winthrop, their governor and agent to enter upon and take possession of their territory, which he accordingly did, and began a settlement near the mouth of Connecticut river. About the same time a number of English colonists emigrated from the Massachusetts to Connecticut river, and after having found themselves to be without the Patent of that colony, formed into a political association by the name of the Colony of Connecticut, and purchased of Lord Say and Seal, and others, their grant from the Earl of Warwick, made in 1631. And in 1661 petitioned king Charles the II. setting forth their colonization, their adoption of a voluntary form of government, their grant from Lord Say and Seal, and others, and their acquisition by purchase and conquest, and praying him to give them a charter of government, agreeably to the system they had adopted, with power equal to those conferred on Massachusetts, or the Lords and gentlemen whose jurisdiction right they had purchased, and to confirm the grant or patent which they had obtained as aforesaid of the assigns of the Plymouth council, according to the tenor of a draft or instrument which they say was ready to be tendered at his gracious order.

Ibid II.

Petition of
the general
court at
Hartford,
colony of
Connecticut.

King Charles II. referring to the facts stated in the petition aforesaid, granted a charter, dated the 23d of April 1662, in which he constituted and declared John Win-

Ibid. 604.

throp and others his associates, a body, corporate and politic, by the name of the Governor and Company of the English colony of Connecticut in New-England in America, with privileges and powers of government, and granted and confirmed to the said governor and company and their successors, all that part of his dominions in New-England in America, bounded on the east by Narraganset river, commonly called Narraganset Bay, where the said river falleth into the sea; and on the north by the line of Massachusetts Plantation; and on the south by the sea, and in longitude as the line of Massachusetts Colony, running from east to west, that is to say, from the said Narraganset Bay on the east, to the South Sea, on the West with the islands thereto adjoining; (which is the present charter of Connecticut.)

On the 23d of April 1664 King Charles addressed a letter to the Governor and Company of Connecticut, in which among other things, he speaks of having renewed their charter.

Charter to
Duke of
York.

Journals of
Congress,
Vol. 8. page
71.

On the 12th of March, 1664, Charles II. granted to James Duke of York, "All that part of the main land in New-England, beginning at a certain place called and known by the name of St. Croix, next adjoining to New-Scotland in America, and from thence extending along the sea coast, unto a place called Pennique, or Pennequid, and so up the river thereof unto the furthestmost head of the same, as it tendeth northward; and extending from thence unto the river Kennebecque, and upwards by the shortest course to the river called Canada, northward; and also all that island or islands, called by the

several name, or names of Mattawacks, or Long Island; situate, lying and being towards the west of Cape Cod, and the Narragansets, abutting on the main lands, between the two rivers there called and known by the names of Connecticut, and Hudson's river, together also with the said river called Hudson's River, and all the lands from the west side of Connecticut river to the east side of Delaware Bay, and all the several islands, &c.

Journals of
Congress,
Vol. 8. page.
71.

As the charter to the Duke of York covered part of the lands included in the charter of Connecticut; and as a part of the country had been settled by Christian nations prior to the charter of Connecticut: for which an exception had been made in the charter to the Council of Plymouth, though not in that to Connecticut; a dispute arose between the Duke of York, and the people of Connecticut, respecting the bounds of their respective grants. King Charles II. having appointed Richard Nichols, and others, commissioners to visit the New-England Colonies, with power to hear and determine all complaints, and appeals, and proceed in all things for providing for, and settling the peace of said country.

Journals of
Congress,
Vol. 8. page
72.

On the 13th October, 1664, the general assembly of the colony of Connecticut appointed agents to wait on said commissioners, which appointment was expressed in the following terms to wit: Mr. Allen &c. are desired to accompany the Governor to New-York to congratulate his majesty's honourable commissioners, and if an opportunity offers itself that they can issue the bounds between the duke's patent and ours (so as in their judg-

ment may be for the satisfaction of the court) they are impowered to attend the same, &c. said commissioners undertook the settlement of said bounds and on the 30th of November 1664 determined as follows.

“ By virtue of his majesty’s commission we have heard the difference about the bounds of the patent granted to the duke of York, and the colony of Connecticut, and having considered the same, &c. we do declare, and order the southern bound of his majesty’s colony is the sea and that Long Island is to be under the government of his royal highness the duke of York, as is expressed by plain words in said charters respectively. And also by virtue of his majesty’s commission, and by consent of both the governors and gentlemen above named, we do also order and declare that the creek or river which is called Monoromock which is reputed to be about twelve miles to the east of West-Chester and a line to be drawn from the east point or side where the fresh water falls into the salt, at high-water mark, north-north west to the line of the Massachusetts, be the western bound of said colony of Connecticut, and all plantations lying westward of that creek and line so drawn shall be under his Royal Highness’s government; and all plantations lying eastward of that creek and line, to be under the government of Connecticut.

To this the commissioners from Connecticut subscribed in the following manner, viz. “ We underwritten, on behalf of the colony of Connecticut, have assented unto the determination of his Majesty’s commissioners in relation the bounds and limits of his Royal

Highness the Duke's patent and the patent of Connecticut."

This was a settlement of boundary between the interfering charter of Connecticut and that to the Duke of York, as it respected the eastern extend of the latter.

New-York being, in June 1673, recovered by the Dutch, and their government revived, was, in 1674, ceded on a treaty of peace: The Duke obtained a renewal of his patent, and claimed a re-settlement of the same, which was finally effected in 1733 when Biram river, the present line, was established.

Charles the second, on the 4th day of March 1681, granted to William Penn, the first proprietary, and governor of Pennsylvania," all that tract or part of land in America, with the islands therein contained, as the same is bounded on the east by Delaware river, from twelve miles distance, northward, of New Castle town, unto the three and fortieth degree of northern latitude; if said river doth extend so far northward; but if the said river shall not extend so far northward, then, by the said river so far as it doth extend, and from the head of the said river, the eastern bounds are to be determined by a meridian line, to be drawn from the head of said river, unto the said forty third degree; the said land to extend westward five degrees in longitude, to be computed from the said eastern bounds; and the said lands to be bounded on the north by the beginning of the three and fortieth degree of northern latitude, and on the South by a circle drawn at twelve miles distance from New Castle, Northward and Westward unto the beginning of the fortieth degree of Northern latitude, and then

Journals of
Congress,
Vol. 8. page
64. Charter
Pennsyl-
vania.

by a streight line Westwards, to the limits of longitude abovementioned.

On the 27th of November 1779, the Legislature of Pennsylvania vested the estate of the proprietaries in the Commonwealth.

The charter of Pennsylvania comprehended a part of the land included in the charter of Connecticut, viz. between the forty-first and forty-second degrees of north latitude, in consequence of which a dispute arose respecting the right of soil and jurisdiction.

Journals of
Congress,
Vol. 8. 83.

This dispute came to a final decision before a court of commissioners appointed pursuant to the articles of confederation, on the 30th day of December 1782, when it was determined that the State of Connecticut had no right to the lands included in the charter of Pennsylvania: and that the State of Pennsylvania had the right of jurisdiction and pre-emption.

Act of Le-
gislation of
Connecticut.

The State of Connecticut acquiesced in the decision aforesaid, respecting the lands claimed by Pennsylvania, and the court of commissioners having final jurisdiction, the claim of Connecticut respecting both soil and jurisdiction is conclusively settled. But Connecticut did not abandon her claim to lands west of Pennsylvania, and at a General Assembly, holden at New-Haven on the second Thursday of October 1783, the following act was passed, viz. "Whereas this State has the undoubted and exclusive right of jurisdiction and pre-emption to all the lands lying west of the western limits of the State of Pennsylvania, and east of the river Mississippi, and extending throughout

from the latitude 41 to latitude 42, and 2 minutes north by virtue of the charter granted by King Charles the second to the late colony now State of Connecticut, bearing date the 23d day of April, A. D. 1662, which claim and title to make known, for the information of all, to the end that they may conform themselves thereto.

“ *Resolved*, That his excellency the Governor, be desired to issue his proclamation, declaring and asserting the right of this state to all the lands within the limits aforesaid; and strictly forbidding all persons to enter, or settle thereon, without special license and authority first obtained from the general assembly of this state.”

Pursuant to this resolution, governor Trumbull issued a proclamation, bearing date the 15th day of November 1783 making known the determination of the state to maintain their claim to said territory, and forbidding all persons to enter thereon, or settle within the limits of the same.

On the 29th of April, 1784, Congress adopted the following resolution.

Congress, by their resolution of September 6th 1780, having thought it advisable to press upon the states having claims to the Western country, a liberal surrender of a portion of their territorial claims; by that of the 10th of October in the same year, having fixed conditions, to which the union should be bound on receiving such cessions; and having again proposed the same subject to those states in their address of April the 18th, 1783, wherein, stating the national debt, and expressing their reliance for its discharge, on the prospect of vacant territory

Journals of
Congress,
Vol. 9, 184.

in aid of other resources, they for that purpose, as well as to obviate disagreeable controversies and confusions, included in the same recommendations, a renewal of those of September 6th, and of October the 10th 1780, which several recommendations have not yet been fully complied with.

Resolved, That the same subject be again presented to the said states; that they be urged to consider, that the war being now brought to a happy termination by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them as well as foreigners; these several creditors have a right to expect that funds will be provided, on which they may rely for indemnification; that congress still consider vacant territory, as an important resource; and that therefore said states be earnestly pressed by immediate and liberal cessions to forward these necessary ends, and to promote the harmony of the union.

Journals of
Congress,
vol. VII. 23.
362. 481.

The state of Connecticut, prior to the decree of Trenton, offered to make a cession of Western territory, but, under such restrictions that Congress refused to accept the same. In consequence of the above recommendation of Congress, the legislature of Connecticut resumed the consideration of a cession of their Western territory; and at a general assembly of the state on the second Thursday of May, 1786, passed the following act:

“ Be it enacted by the Governor, Council, and Representatives, in general court assembled, and by the authority of the same, That the delegates of this state, or any two of them, who shall be attending the Congress of the United

States, be, and they are hereby directed, authorised, and fully empowered, in the name, and behalf of this state to make, execute and deliver under their hands and seals an ample deed of release and cession of all the right, title, interest, jurisdiction, and claim of the state of Connecticut, to certain Western lands, beginning at the completion of the forty-first degree of North latitude, one hundred and twenty miles West of the Western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth; and from thence by a line to be drawn North parallel to, and one hundred and twenty miles West of the said West line of Pennsylvania, and to continue North until it comes to forty-two degrees and two minutes North latitude: whereby all the right, title, interest, jurisdiction, and claim of the state of Connecticut to the lands lying West of the said line, to be drawn, as aforementioned, one hundred and twenty miles West of the Western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, shall be included, released, and ceded to the United States in Congress assembled, for the common use, and benefit of said states Connecticut inclusive.

Journals of
Congress,
vol. II. 221.

On the 26th of May, 1786, Congress resolved, "that Congress in behalf of the United States, are ready to accept all the right, title, interest, jurisdiction, and claim of the state of Connecticut to certain Western lands, beginning at the completion of the forty-first degree of North latitude, one hundred and twenty miles West of the West-

Journals of
Congress,
vol. II. 105.

Journals of
Congress,
vol. II. 105.

tern boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, and from thence by a line to be drawn North parallel to, and one hundred and twenty miles West of the said West line of Pennsylvania, and to continue North until it comes to forty-two degrees two minutes North latitude, whenever the delegates of Connecticut shall be furnished with full powers, and shall execute a deed for that purpose."

Journals of
Congress,
vol. II. 223.

On the 14th of September, 1786, the delegates from Connecticut executed a deed of cession agreeably to the above resolution, and it was resolved, "that Congress accept the said deed of cession and that the same be recorded, and enrolled among the acts of the United States, in Congress assembled."

Ibid, vol.
10, 124. vol.
VII. 518.
vol IX. 67.

The cession from Connecticut was accepted by Congress in the same manner and form, as the cessions from Virginia, New-York and Massachusetts.

Act of the
Legislature
of Connecti-
cut.

The legislature of Connecticut, on the second Thursday of October, 1786, passed an act directing the survey of that part of their Western territory, not ceded to Congress, lying West of Pennsylvania, and East of the river Cayahoga, to which the Indian right had been extinguished; and by the same act opened a land-office for the sale thereof. Under this act a part of said tract was sold.

The legislature of Connecticut in 1792, granted five hundred thousand acres of said territory, being the West part thereof, to certain citizens of the state, as a compensation for property burned and destroyed in the towns of New London, New Haven, Fairfield, and Norwalk, by the British troops in

the war between the United States of America and Great Britain. Many transfers of parts of this land have been made for valuable considerations.

In May 1795 the legislature of Connecticut passed a resolve in the words following :

Resolved by the assembly, That a committee be appointed to receive any proposals that may be made by any person or persons, whether inhabitants of the United States, or others, for the purchase of the lands belonging to this state lying West of the West line of Pennsylvania, as claimed by said state. And the said committee are hereby fully authorised and empowered, in the name and behalf of this state, to negotiate with any such person or persons, on the subject of any such proposals, and also to form and complete any contract or contracts for the sale of the said lands, and to make and execute, under their hands and seals, to the purchaser or purchasers, a deed or deeds, duly authenticated, quitting in behalf of this state, all right, title and interest, juridical and territorial in, and to said lands to him or them, and to his and their heirs forever.

Act of legislature,
Connecticut.

“ That before the executing of such deed, or deeds, the purchaser or purchasers shall give their personal note or bond, payable to the treasurer of this State, for the purchase money, carrying an interest of six per centum per annum, payable annually, to commence from the date thereof, or from such future period, not exceeding two years from the date, as circumstances, in the opinion of the committee, may require, and as may be agreed on between them and the said

purchaser, or purchasers, with good and sufficient sureties, inhabitants of this State; or with a sufficient deposit of Bank Stock, or other Stock of the United States, or the particular States: which note or bond, shall be taken payable at a period not more remote than five years from the date, or if by annual instalments, so that the last instalment be made payable within ten years from the date, either in specie or six per cent, three per cent, or deferred stock of the United States, at the discretion of the committee.

“ That if the said committee shall find that it will be most beneficial to the State or its citizens, to form several contracts for the sale of the said lands, they shall not consummate any of the said contracts apart by themselves while the others lie in a train of negotiation only; but all the contracts which taken together, shall comprise the whole of the quantity of the said lands shall be consummated together, and the purchasers shall hold their respective parts, or proportions, as tenants in common of the whole tract, or territory, and not in severalty.

That the said committee, in whatever manner they shall find it best to sell the said lands, shall, in no case, be at liberty to sell the whole quantity for a principal sum less than one million of dollars in specie, with interest, at six per cent per annum from the time of such sale.

The Legislature at the same time appointed a committee to sell said lands:—who advertised the same in various news-papers in the United States, and particularly in the

Gazette of the United States, published in Philadelphia.

Said committee sold said lands to sundry citizens of Connecticut, and of other States, for the sum of one million two hundred thousand dollars: And on the ninth day of September 1795, executed to the several purchasers, deeds quitting to them, and their heirs forever, all right, title, and interest, juridical and territorial of the State of Connecticut, to lands belonging to said State, lying west of the west line of Pennsylvania, as claimed by said State.

The Legislature of Connecticut have appropriated the money arising on the sale of said lands, for the support of schools, and have pledged the annual interest as a perpetual fund for that purpose. The proprietors have paid the principal part of two years interest to the State making about the sum of one hundred thousand dollars.

The purchasers have surveyed into townships of five miles square the whole of said tract lying east of the river Cayahoga and to which the Indian right has been extinguished; they have made divisions thereof according to their respective proportions; commenced settlements in thirty five of said townships; and there are actually settled therein about one thousand inhabitants. A number of mills have been built and roads cut, in various directions through said territory, to the extent of about seven hundred miles; numerous sales and transfers of the land have been made—and the proprietors in addition to the payments of interest aforesaid have already expended about the sum of eighty thousand dollars.

While the state of Connecticut was making a disposition of said territory, the following acts took place in the government of the United States.

Mr. Jefferson's reports, Nov. 8, 1791. Journals and reports, 1st session 2nd Congress, 6, 8, report.

In the report of the Secretary of State, respecting the quantity, and situation of the lands not claimed by the Indians, nor granted to, nor claimed by any of the citizens of the United States within the territory ceded to the United States by the state of North-Carolina; and within the territory of the United States North-west of the river Ohio, are the following clauses.

Under the head of lands reserved by states in their deeds of cession, it is said, "The tract of country presents itself from the completion of the 41st degree to 42nd degree, two minutes of north latitude, and extending from the Pennsylvania line, before mentioned, 120 miles westward, not mentioned in the deed of Connecticut, while all the country westward thereof, was mentioned to be ceded: about two and an half millions of acres of this, may perhaps be without the Indian lines before mentioned."

In the act of Congress, passed May 18th, 1796, entitled, "An act providing for the sale of the lands of the United States, North-west of the river Ohio, and above the mouth of the Kentucky river," is the following section.

SEC. 4. *Be it further enacted*, That whenever seven ranges of townships shall have been surveyed below the Great Miami, or between the Scioto river and the Ohio Company's purchase, or between the Southern boundary of the Connecticut claims, and the ranges already laid off; beginning upon the

Ohio river, and extending Westwardly ; and the plats thereof made and transmitted in conformity to the provisions of this act, the said sections of six hundred and forty acres (excluding those hereby reserved) shall be offered for sale at public vendue, under the direction of the Governor, or Secretary of the Western Territory, and the Surveyor General ; such of them as lie below the Great Miami, shall be sold at Cincinnati ; those of them that lie between the Scioto and the Ohio Company's purchase, at Pittsburgh ; and those between the Connecticut claim, and seven ranges at Pittsburgh, &c."

At a meeting of commissioners from sundry of the then colonies at Albany on Tuesday the 9th of July, one thousand seven hundred and fifty-four, it was among other things agreed and resolved as follows :

That his Majesty's title to the Northern continent of America, appears to be founded on the discovery thereof first made, and the possession thereof first taken in one thousand four hundred and ninety-seven, under a commission from Henry the Seventh of England to Sebastian Cabot : That the French have possessed themselves of several parts of this continent, which by treaties have been ceded and confirmed to them :

That the right of the English to the whole sea coast from Georgia on the South, to the river St. Lawrence on the North, excepting the Island of Cape Breton, and the islands in the Bay of St. Lawrence, remains indisputable

That all the lands or countries Westward from the Atlantic Ocean to the South Sea, between 48 and 34 degrees North latitude,

was expressly included in the grant of King Charles the First to divers of his subjects, so long since as the year 1606, and afterwards confirmed in 1620, and under this grant the colony of Virginia claims extent as far West as the South Sea, and the ancient colonies of the Massachusetts Bay and Connecticut, were by their respective charters made to extend to the said South Sea ; so that not only the right of the sea coast, but to all the inland countries from sea to sea, has at all times been asserted by the crown of England :

In one thousand seven hundred and fifty-four, some settlements were made from Connecticut on lands on the Susquehannah about Wyoming within the chartered limits of Pennsylvania, and also within the chartered limits claimed by Connecticut which produced a letter from the Governor of Connecticut to the Governor of Pennsylvania of which the following is an extract.

Windfor, March 13th, 1754.

There being now no unimpropriated lands with us, some of our inhabitants hearing of this land at Susquehannah and that it was North of the grant made to Mr. Penn and that to Virginia are upon a design of making a purchase from the Indians and hope to obtain a grant of it from the crown. But Mr. Armstrong informs me that this land is certainly within Mr. Penn's grant—If so, I dont suppose our people had any purpose to quarrel with Pennsylvania. Indeed I dont know the mind of every private man, but I never heard our leading men express themselves so inclined.

On the same day Lieutenant Governor Fitch wrote from Hartford a letter on the same subject of which the following is an extract.

I do well approve of the notice you take of the attempt some of the people of this colony are making and the concern you manifest for the general peace, &c. I know nothing of any thing done by the government to countenance such a procedure as you intimate and I conclude is going on among some of our people. I shall in all proper ways use my interest to prevent every thing that may tend to prejudice the general good of these governments and am inclined to believe this wild scheme of our people will come to nothing, tho I cant certainly say.

At a general assembly for Connecticut holden in May 1755, the Susquehanna Company, as were styled, those who were seating lands on that river west of New-York and within the boundaries claimed by Pennsylvania and Connecticut, presented a petition praying the assent of the legislature to a petition to his Majesty for a new Colony within the chartered limits of Connecticut and describing the lands lying west of New-York, whereupon the Assembly of Connecticut after reciting the said petition came to the following resolution.

Resolved, by this Assembly, that they are of opinion that the peaceably and orderly erecting and carrying on some new and well regulated colony or plantation on the lands above mentioned would tend to fix and secure said Indian nations in allegiance to his Majesty and friendship with his subjects, and accordingly hereby manifest their ready acquiescence therein, if it should be his Majesty's royal pleasure to grant said land to said petitioners, and thereon erect and settle a new colony, in such form and under such

regulations as might be consistent with his royal wisdom—and also take leave humbly to recommend the said petitioners to his royal favour in the premises.

On the 31st of August, 1779, an agreement was concluded between commissioners duly appointed for that purpose by the state of Virginia and Pennsylvania respectively, whereby it was agreed, “That the line commonly called Masons and Dixons line be extended due West, five degrees of longitude, to be computed from the river Delaware for the Southern boundary of Pennsylvania, and that a meridian drawn from the Western extremity thereof to the Northern limits of the said states respectively be the Western boundary of Pennsylvania for ever,” which agreement was ratified and finally confirmed by the legislature of Pennsylvania, by resolution bearing date the third day of September, 1780, and by the state of Virginia on the day of 178

See journals of Pennsylvania assembly, vol. I. page 519.

On the 6th day of June, 1788, Congress directed the geographer of the United States to ascertain the boundary line between the United States and the States of New-York and Massachusetts agreeably to the deeds of cession of the said States, and also directed that, the meridian line between lake Erie and the State of Pennsylvania being run, the land lying west of the said line, and between the State of Pennsylvania and lake Erie shoul be surveyed and return thereof made to the board of treasury who were authorized to make sale thereof.

The said land having been sold in conformity with the above mentioned resolution to

the State of Pennsylvania, Congress on the 3d of September 1788, passed a resolution relinquishing and transferring all the right title and claim of the United States to the government and jurisdiction of the said tract of land, to the State of Pennsylvania forever.

As the purchasers of the land commonly called the Connecticut Reserve hold their title under the State of Connecticut, they cannot submit to the government established by the United States in the North Western Territory without endangering their titles, and the jurisdiction of Connecticut could not be extended over them without much inconvenience. Finding themselves in this situation, they have applied to the Legislature of Connecticut to cede the jurisdiction of the said territory to the United States. In pursuance of such application the Legislature of Connecticut, in the month of October 1797, passed an act authorizing the Senators of the said State in Congress to execute a deed of release in behalf of said State to the United States of the jurisdiction of said territory.

The Committee are of opinion that the cession of jurisdiction offered by the State of Connecticut, ought to be accepted by the United States, on the terms and conditions specified in the Bill which accompanies this report.

